

Opening Statement of the Honorable Fred Upton
Subcommittee on Environment and the Economy
Hearing on “H.R. ____, the Improving Coal Combustion Residuals Regulation Act of 2015 ”
March 18, 2015

(As Prepared for Delivery)

Today's hearing continues our multi-year and multi-Congress effort to finalize a thoughtful, bipartisan solution for coal ash. This has been a collaborative effort every step of the way, and I commend Mr. Shimkus and Mr. McKinley for their leadership. With this discussion draft I am confident that we have the right policy in place that will get us across the finish line.

The draft is designed much like the legislation we nearly enacted in the last Congress:

- It appropriately treats coal ash as though it's a non-hazardous waste.
- It includes minimum federal standards for managing the post-combustion materials.
- And it allows states to develop permit programs that will implement the minimum standards.

What's different this time around? Instead of keying the minimum national standards off the old EPA regulations issued for Municipal Solid Waste – with a few tweaks for coal ash – we set the national standard by incorporating EPA's new coal ash rule that came out last December.

We acknowledge all of EPA's work to develop sound technical requirements for regulating coal ash in a way that protects human health and the environment and we put the agency's efforts to good use. We allow the states – the natural choice to carry out permit programs – to implement the standards from the final rule through enforceable permits. This commonsense approach alleviates the implementation issues with the final rule and means state environmental protection authorities, some of whom are here for this hearing, will work on a daily basis with the regulated community to make sure the permit programs are on track. This kind of discipline should avoid unnecessary litigation and protect our environment at the same time.

I appreciate the testimony of our witnesses, especially those who will be on the front line when this bill becomes law: the state officials and the regulated community. This bill is good for states like Michigan that rely on coal for electricity. This bill is good for jobs. Let's continue the momentum and get this bill moving through committee and the House, and through the Senate, so that the president can sign it into law and the issue will be settled once and for all.

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